

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN CROCKER,

Plaintiff,

v.

COUNTY OF AMADOR, et al.,

Defendants.

No. 2:22-cv-01924 DAD AC PS

ORDER

Plaintiff is proceeding in this action pro se, and the action was accordingly referred to the undersigned for pretrial proceedings by E.D. Cal. R. (“Local Rule”) 302(c)(21). Plaintiff was granted authority pursuant to 28 U.S.C. § 1915 to proceed in forma pauperis (“IFP”). ECF No. 3. As part of the screening process required by § 1915, plaintiff’s initial complaint was screened and plaintiff was given the option to proceed on certain claims against certain defendants, or to file an amended complaint. ECF No. 3 at 13. Plaintiff filed notice with the court that he wishes to proceed on the claims that that the undersigned previously found sufficient to proceed: Claims One through Five of the Complaint against defendants County of Amador, Justin Coletti, and Luke McElifish. ECF No. 4.

For the reasons stated above, IT IS HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

- County of Amador
- Justin Coletti

○ Luke McElfish

2. The Clerk of the Court is directed to issue forthwith, and the U.S. Marshal is directed to serve within ninety days of the date of this order, all process pursuant to Federal Rule of Civil Procedure 4, without prepayment of costs.

3. The Clerk of the Court shall send plaintiff the above: one USM-285, one summons, a copy of the complaint, and an appropriate form for consent to trial by a magistrate judge.

4. Plaintiff is directed to supply the U.S. Marshal, within 15 days from the date this order is filed, all information needed by the Marshal to effect service of process, and shall promptly file a statement with the court that said documents have been submitted to the United States Marshal.

The court anticipates that, to effect service, the U.S. Marshal will require, for each defendant in ¶ 3, above, at least:

- a. One completed summons;
- b. One completed USM-285 form;
- c. One copy of the endorsed filed complaint, with an extra copy for the U.S. Marshal;
- d. One copy of the instant order; and
- e. An appropriate form for consent to trial by a magistrate judge.


5. In the event the U.S. Marshal is unable, for any reason whatsoever, to effect service on any defendant within 90 days from the date of this order, the Marshal is directed to report that fact, and the reasons for it, to the undersigned.

6. The Clerk of the Court is directed to serve a copy of this order on the U.S. Marshal, 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

7. Failure to comply with this order may result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

DATED: November 8, 2022


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE

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NOTICE OF SUBMISSION

Plaintiff has submitted the following documents to the U.S. Marshal, in compliance with
the court's order filed _____:

_____ completed summons form

_____ completed USM-285 form

_____ copy of the complaint

_____ completed form to consent or decline to consent to magistrate judge jurisdiction

Date

Plaintiff's Signature